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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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Illinois Commerce Commission
RAIL SAFETY SECTION

VILLAGE OF WINFIELD, ILLINOIS,)
a Municipal Corporation,)

Petitioner,)

v.)

T01-0001

UNION PACIFIC RAILROAD CO.,)

Respondent)

WINFIELD'S RESPONSE TO STAFF RECOMMENDATION
OF MAY 11, 2001

Now Comes the Village of Winfield, ("Winfield") by and through its attorneys, Moss and Bloomberg, Ltd., and for their response to the May 11, 2001 Staff Recommendation in the above matter does hereby state as follows:

The Staff Recommendation provides that pedestrian gate units and "any pedestrian warning system is ineffectual unless law enforcement personnel monitor **obeyance** of the system 24 hours a day." Nonetheless, staff does not object to the Village's desired pedestrian warning system provided the Village agrees to certain of its conditions.

One condition requires the Village, "per Commission policy", to absorb the installation costs, plus all costs for future maintenance. The Village respectfully states that it is unaware of any writings articulating any such policy, nor is it aware of any formal notifications when such "policy" went into effect.

In addition, the Village notes that the ICC recently ruled on behalf of the Village of Lake Forest relative to the installation of pedestrian gates. It further required that all maintenance costs

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be borne by Union Pacific Railroad. The Village asks that a similar award be granted herein. As staff and all interested parties know, the Village of Wintfield has applied for a grant from the Illinois Department of Transportation for access to the transit improvement program in the amount of \$150,000.00. The approval of the grant is contingent upon a favorable ruling from the ICC. It is important, therefore, that the ICC approve the Village's request for pedestrian gates so that funding may be available for costs associated with the design and construction of the project. Without a grant, it will not be able to proceed with the project.


The Village also submits that neither Union Pacific nor the ICC Staff provided evidence at the time of the hearing that pedestrian gates are ineffective or that same will fail to improve safety at the crossing. Indeed, there was no evidence submitted to contradict the report of McDonough Associates, Inc. which recommended placement of pedestrian gates in the Village. Union Pacific merely provided a photograph of Walk/Don't Walk signal devices used outside of this state but did not submit evidence associated therewith that said devices are effective or more effective in stopping pedestrians from crossing the tracks than gates.

The Village encloses herein a Survey of municipalities in the Chicago-land area showing that of the 26 communities which responded, none pay costs associated with maintenance of pedestrian gates. (See Survey attached as Exhibit "A").

The Village further requests that the ICC require Union Pacific to submit a time line in which construction of the project would begin, preferably no later than six months from the issuance of a final ICC Order. It further requests that the installation of the gates at Wintfield Road be placed on property owned and controlled by Union Pacific and be maintained by Union Pacific.

WHEREFORE, the Village of Winfield submits herein its response to the Staff Recommendation and asks for relief consistent with its statements above.

VILLAGE OF WINFIELD

By: 
Its Attorney

MOSS AND BLOOMBERG, LTD.
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STATE OF ILLINOIS
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VILLAGE OF WINFIELD, ILLINOIS,)	
a Municipal Corporation,)	
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v.)	T01-0001
)	
UNION PACIFIC RAILROAD CO.,)	
)	
Respondent)	

NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST

Please be advised that on the 5th day of June, 2001, I caused the attached RESPONSE TO STAFF RECOMMENDATION to be filed with the Illinois Commerce Commission by mailing the original and three copies of same, via stamped, first-class overnight-mail, to Kevin Sharpe, Director of Processing, at 527 East Capitol, Springfield, Illinois 62701.



CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the attached RESPONSE TO STAFF RECOMMENDATION by mailing a copy to all parties at the addresses listed on the Service List on the 5th day of June, 2001.



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**Village of Winfield versus Union Pacific Railroad
ICC Docket Number T01-0001**

Additional Pedestrian Rail Gate Arm Locations (1,2)

Name of City and zip code	Approximate Distance from Winfield	Date Gates Installed	Gate Installed By	Gates Maintained By
<u>Metra / Burlington Northern Santa Fe:</u>				
Naperville, 60566	8.9 miles	Unknown, long time	Unsure, Not City	Unsure, Not City
Westmont, 60559	14.9 miles	Unknown, long time	Railroad	Railroad
Claredon Hills, 60614	19.4 miles	Unknown, long time	Burlington	Burlington
Hinsdale, 60521	18.0 miles	Unknown, long time	Burlington	Burlington
Western Springs, 60558	16.7 miles	Unknown, long time	Metra	Metra
LaGrange, 60526	21.0 miles	Unknown, long time	Burlington	Burlington
Brookfield, 60513	19.3 miles	Unknown, long time	Burlington	Burlington
Riverside, 60646	19.9 miles	Summer 1999	Burlington	Burlington
<u>Metra / Union Pacific Northwest Line:</u>				
Crystal Lake, 60039	33.0 miles	Unknown, long time	Union Pacific	Union Pacific
Caty, 60013	27.7 miles	Unknown, long time	Union Pacific	Union Pacific
Arlington Heights, 60005	21.8 miles	Unknown, long time	Railroad	Unsure, Not City
Mount Prospect, 60056	24.3 miles	Unknown, long time	Union Pacific	Union Pacific
Park Ridge, 60068	24.2 miles	Unknown, long time	Unsure	Union Pacific
<u>Metra / Milwaukee District North Line:</u>				
Deerfield, 60015	34.9 miles	Unknown, long time	Railroad	Railroad
Lake Forest, 60045	43.3 miles	Awaiting Installation	Union Pacific	Union Pacific
<u>Metra / North Central Service:</u>				
Antioch, 60002	44.5 miles	Approximately 1996	Unsure	Wisconsin Central
<u>Metra / Union Pacific North Line</u>				
Waukegan, 60085	61.3 miles	Unknown	Unsure	Railroad
Highwood, 60040	40.8 miles	Unknown, long time	Union Pacific	Union Pacific
Kenilworth, 60043	36.6 miles	Unknown	Unsure	Union Pacific
Glencoe, 60022	37.6 miles	Unknown, long time	Union Pacific	Union Pacific
Highland Park, 60035	40.4 miles	Unknown, long time	Union Pacific	Union Pacific

**Village of Winfield versus Union Pacific Railroad
ICC Docket Number TO14001**

Additional Pedestrian Rail Gate Arm Locations (1,2)

Name of City and zip code	Approximate Distance from Winfield	Date Gates Installed	By	Gates Installed By	Gates Maintained
Metra / Union Pacific West Line:					
Wheaton, 60180	3.5 miles	Unsure		Railroad	Union Pacific
Glen Ellyn, 60137	6.8 miles	Unsure		Railroad	Union Pacific
Lombard, 60148	9.6 miles	Unsure		Railroad	Union Pacific
Villa Park, 60181	11.9 miles	Unsure		Railroad	Union Pacific
Elmhurst, 60126	13.0 miles	Unsure		Railroad	Union Pacific

Footnote

- 1) Some of the communities listed above have multiple railroad crossings containing pedestrian gate arms.
- 2) Please note that these examples are not exhaustive for the Chicagoland area.

Cities Contacted That Have Not Yet Replied

Name of City and Zip Code	Railroad Line	Approximate Distance from Winfield
Aurora, 60506	Metra/Burlington Northern Sante Fe	20.6 miles
Barrington, 60010	Metra/Union Pacific Northwest Line	21.2 miles
Berwyn, 60402	Metra/Burlington Northern Sante Fe	22.9 miles
Buffalo Grove, 60089	Metra/North Central Service	20.4 miles
Downer's Grove, 60515	Metra/Burlington Northern Sante Fe	12.8 miles
Evanston, 60201	Metra/Union Pacific North Line	34.3 miles
Glenview, 60025	Metra/Milwaukee District North Line	29.8 miles
Mundelein, 60060	Metra/North Central Service	35.6 miles
Wheeling, 60090	Metra/North Central Service	28.3 miles
Zion, 60099	Metra/Union Pacific North Line	58.6 miles

**Village of Winfield versus Union Pacific Railroad
ICC Docket Number T01-0001**

Cities Contacted without Pedestrian Gate Arms

Name of Cfty and Zip Code	Railroad Line	Approximate Distance from Winfield
Lisle, 60532	Metra/Burlington Northern Sante Fe	10.3 miles
Bartlett, 60103	Metra/Milwaukee District West Line	10.7 miles
Hanover Park, 60103	Metra/Milwaukee District West Line	9.4 miles
Schaumburg, 60193	Metra/Milwaukee District West Line	14.9 miles
Roselle, 60172	Metra/Milwaukee District West Line	11.2 miles
Medinah, 60167	Metra/Milwaukee District West Line	12.8 miles
Itasca, 60143	Metra/Milwaukee District West Line	14.3 miles
Wood Dale, 60191	Metra/Milwaukee District West Line	14.8 miles
Bensenville, 60106	Metra/Milwaukee District West Line	16.0 miles
River Grove, 60171	Metra/Milwaukee District West Line	19.3 miles
Harvard, 60033	Metra/Union Pacific Northwest Line	55.3 miles
Fox Rivet Grove, 60021	Metra/Union Pacific Northwest Line	25.6 miles
Fox Lake, 60020	Metra/Milwaukee District North Line	38.2 miles
Ingleside, 60041	Metra/Milwaukee District North Line	36.4 miles
Round Lake, 60073	Metra/Milwaukee District North Line	37.1 miles
Grayslake, 60030	Metra/Milwaukee District North Line	41.9 miles
Libertyville, 60046	Metra/Milwaukee District North Line	38.6 miles
Notthbrook, 60062	M&a/Milwaukee District North Line	33.0 miles
Morton Grove, 60053	Metra/Milwaukee District North Line	29.2 miles
Round lake Beach, 60073	Metra/North Central Service	36.4 miles
Vernon Hills, 600131	Metra/North Central Service	32.4 miles
Prospect Heights, 60070	Metra/North Central Service	26.7 miles
North Chicago, 60064	Metra/Union Pacific North Line	49.7 miles
Lake Bluff, 60525	Metra/Union Pacific North Line	47.0 miles